DOCKET NO: 245418US2

## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

TETSURO MOTOYAMA, ET AL. : EXAMINER: HOANG, HIEU T

SERIAL NO: 10/764,569 :

FILED: JANUARY 27, 2004 : GROUP ART UNIT: 2152

FOR: METHOD AND SYSTEM FOR MANAGING VENDOR AND MODEL INFORMATION IN A MULTI-PROTOCOL REMOTE MONITORING SYSTEM

## PETITION REQUESTING THE WITHDRAWAL OF HOLDING OF ABANDONMENT DUE TO NON-RECEIPT OF PRE-INTERVIEW COMMUNICATION

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully request that the holding of abandonment for the above-identified application be withdrawn due to the fact that the Pre-Interview Communication mailed by the Patent and Trademark Office on September 17, 2008, was not received by Applicant's Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm's computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

When checking the status of this application in PAIR on November 7, 2008, we found

a Pre-Interview Communication had been issued on September 17, 2008, our computer

system was checked. The computer Patent Due Dates section for the subject application did

not show a current due date for the Filing of the Pre-Interview Request.

The application file was then pulled and the full contents of the file were reviewed.

The application file contained no Pre-Interview Communication dated September 17, 2008.

The PTO e-notification was checked for receipt of notification of the Pre-Interview

Communication and no communication was received. The Patent Office computerized Mail

Log was then checked. All mail received from the Patent and Trademark Office is logged

electronically into the mail log by serial number or patent number, along with a description of

the mail received, on a daily basis. Mail from the Patent Office is generally received by our

firm within two or three days of mailing. The electronic record showed no record of having

received the Pre-Interview Communication for the above-identified application (see attached

computer printout).

It is believed that the above discussion and documents enclosed herewith clearly

prove the non receipt of the Pre-Interview Communication dated September 17, 2008, and

therefore, the holding of abandonment was issued in error.

Applicants are concurrently efiling a proposed response and Applicant Initiated

Interview Request Form requesting an interview date of February 4, 2009, at 10:00 am.

Applicants believe that no fees are due. If fees are due, please debit our deposit

Account No. 15-0030.

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Application No. 10/764,569
Petition Requesting the Withdrawal of the Holding of Abandonment Page 3

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000 Fax: (703) 413 -2220 (OSMMN 08/07) James J. Kulbaski Attorney of Record Registration No. 34,648

Kurt M. Berger, Ph.D. Registration No. 51,461

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<b>Due Date</b> 10/17/08	Indicator Due Date	<b>Description</b> Final Resp (1st)	<b>Case ID</b> ✓ 273788∪S	ODS Docket No	Sec	Case Type DIV.US	<b>Appin No</b> 11/167,319	<b>Work Atty</b> Daniel Pereira, Ph.D.
10/17/08	Due Date	1st OA Resp	275302US	E-f-9	0	PCT.US.2.P	10/543,497	Vincent Shier, Ph.D.
10/17/08	Due Date	Notice of Appeal (1st)	276502US	E-f-co per	0	PCT.US.2.P	10/545,552	Vincent Shier, Ph.D.
40,11,08	Due Date	Appeal Brief (2nd)	V 283022US	一品	0	PCTBYPASS.2	11/295,602	John Dellinger
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10/17/08		1st OA Resp / 284988US	Z 284988US	/ CAN	0	NAT.US.P	11/336,857	- Chemical/Litigation Department
10/17/08 Due Date		Final Resp	290074US	E-FLG	. 0	PCT.US.2.P	10/578,874	Daniel Pereira, Ph.D.
10/17/08	Due Date	POA File By	√ 290420US	30-11-11	0	DIV.US.P	11/432,407	Thomas Cunningham, Ph.D.
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17/08	Due Date	Final Resp	292747US	THE PERSON NAMED IN PARTY OF THE PERSON NAMED	DEG .	NAT.US.P (0/15)	15,050	Çorwin Umbach, Ph.D.
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10/17/08	Due Date	Final Resp	✓ 294231US	CKT		PCT.US.2.P	10/589,269	Justine Wilbur
10/17/08	Due Date	OA Response (1st)	🗸 295713US	EXT	0	PCTBYPASS.2	11/514,225	Vincent Shier, Ph.D.
10/17/08	Final	1st OA Resp (3rd)	299683US	E-FLG	0	PCT.US.2.P	11/629,486	- Chemical/Litigation Department
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	Work Atty Çorwin Umbach, Ph.D.	Richard Treanor	Stephen Baxter	- Chemical/Litigation Department	- Chemical/Litigation Department	Jay Rowe, Jr., Ph.D.	Richard Chinn, Ph.D.	Corwin Umbach, Ph.D.	Philippe Signore, Ph.D.	- Chemical/Litigation Department					
	<b>Appln No</b> 11/757,174	12/142,413	12/132,852	12/097,559	12/175,070				11/720,339						
	Case Type	REG.PROV.US 12/142,413	CONT.US.P	PCT.US.2.P	NAT.US.P	REG.PROV.US	DIV.US.P	DIV.US.P	PCT.US.2.P	PCT.US.2.P	PCT.US.2.P	PCT.US.2.P	PCT.US.2.P	PCT.US.2.P	PCT.US.2.P
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Work Atty	- Chemical/Litigation Department	- Chemical/Litigation Department	- Chemical/Litigation Department	- Chemical/Litigation Department	- Elec/Mech Department	Andrew Harry	Johnny Ma	Edward Tracy, Jr.	W. Baker	Eckhard Kuesters	W. Baker	Kurt Berger, Ph.D.	Surinder Sachar	Edwin Garlepp	Andrew Harry
Appln No						09/832,895	10/040,628	10/067,350	10/611,978	10/677,264	10/466,335	10/821,963	10/859,152	10/852,183	10/880,664
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	NAT.US.P 10/880,515 Nikolaus Schibli, Ph.D.	PCT.US.2.P 10/500,852 Edwin Garlepp	REG.PROV.US 11/192,029 Steven Weihrouch	PCT.US.2.P 10/509,578 Edwin Garlepp	DIV.US.P 10/964,921 James Love	NAT.US.P 10/972,382 George Dolina	NAT.US.P 11/052,911 Johnny Ma	NAT.US.P 11/058,673 Ronald Rudder, Ph.D.	PCT.US.2 10/529,202 Ģenja Williams	REG.PROV.US 11/121,953 Andrew Harry	REG.PROV.US 11/121,953 Andrew Harry	NAT.US.P 11/132,278 Andrew Harry	NAT.US 11/281,342 Ronald Rudder, Ph.D.	DIV.US.P 11/194,568 Robert Pous	NAT.US.P 10/970,290 Edward Tracy, Jr.	NAT.US.P 11/187,853 Kurt Berger, Ph.D.
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Work Atty	Jason Daniel	Andrew Harry	- Elec/Mech Department	Sameer Gokhale	Brian Epstein	Andrew Harry	Edward Tracy, Jr.	Zachary Stern	Eckhard Kuesters	Kurt Berger, Ph.D.	Kurt Berger, Ph.D.	James Kulbaski	Kevin McKinley	Kevin McKinley	Andrew Harry	- Elec/Mech Department
Appln No	11/261,512	11/320,684	11/312,692	11/319,740	11/266,872	10/584,312	11/441,114	11/501,737	11/485,466	11/536,782	11/536,782	11/668,227	11/574,512	11/574,512		11/753,818
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Work Atty	zannes nulbaski Zachary Stem	Scott McKeown	- Elec/Mech Department	- Elec/Mech Department	Carl Schlier	Christopher Bullard	Akihiro Yamazaki	Nikolaus Schibli, Ph.D.	Nikolaus Schibli, Ph.D.	Nikolaus Schibli, Ph.D.	- Elec/Mech Department	- Elec/Mech Department	Akihiro Yamazaki	Çolin Harris	Colin Harris
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10/17/08	Due Date	File By	/ 331102US	20-t1-11	7	CONT.US.P		Úsha Munukutla-Parker
10/17/08	Due Date	File By	✓ 331970US	80-1-11	8	PROV.US		Scott McKeown
10/17/08	Due Date	<b>Fax By</b>	✓ 332281US	80-8-11	7	DSG.US.DIV.P		Edward Tracy, Jr.
10/17/08	Due Date	Fax By	√ 332283US	89-8-11	2	DSG.US.DIV.P		Edward Tracy, Jr.
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<b>Work Atty</b> George Dolina	James Kulbaski	Surinder Sachar	Scott McKeown	Kevin McKinley	Thomas Cunningham, Ph.D.	Steven Weihrouch	Edward Tracy, Jr.	Zachary Stem	James Kulbaski	Bradley Lytte	James Kulbaski	James Kulbaski	Lee Stepina	James Kulbaski	Steven Weihrouch
<b>Appln No</b> 11/552,277	11/597,905	11/680,301	10/637,267	11/674,764	11/692,837	11/721,626	11/856,517	11/980,695	11/950,114	11/995,014	12/019,984	12/020,172	12/054,926	12/114,164	12/093,731
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<b>Work Atty</b> James Kulbaski	James Kulbaski	James Kulbaski	- Elec/Mech Department	- Chemical/Litigation Department	- Elec/Mech Department	- Chemical/Litigation Department	Zachary Stern	Zachary Stern	- Chemical/Litigation Department	- Chemical/Litigation Department	- Chemical/Litigation Department	- Chemical/Litigation Department	- Elec/Mech Department	- Elec/Mech Department
<b>Appin No</b> 12/125,390	12/129,961	12/130,092	12/132,230	12/129,099	12/097,411	12/160,441	11/501,737	11/501,737						
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Work Atty W. Baker	John Dellinger	W. Baker	John Dellinger	W. Baker	John Dellinger	W. Baker	John Dellinger	W. Baker	John Dellinger	W. Baker	John Dellinger	Joseph Wrkich
Case Type Appln No REG.PROV.U 10/679.245		REG.PROV.U 10/787,532		11/472,924		11/053,274		61/014,430		61/014,430		12/212,162
ng Case Type REG.PROV.U		REG.PROV.U		CONT.US.P		CONT.US.P		PROV.US		PROV.US		DIV.US.P
Clearing Sec 2		8		7		2		7		2		7
Prev Docket No			( Derifico			_			DOTE			(3) 51 12 1
Case Id Pri ✓ 326959US	<b>.</b>	✓ 326971US		326995US		327009US		327013US		10 mos/327013US		331689US
<b>Description</b> Verify Power (2nd)		Verify Power (2nd)		Verify Power (2nd)		Verify Power (2nd)		Foreign Filing rmdr 10 mos		Application Due rmdr 10 mos		Verify Power
Reminder		Reminder		Reminder		Reminder		Reminder		Reminder		Reminder
Due Date		Oct-17-2008		Oc 2008		Oct-17-2008		Oct-17-2008		Oct-17-2008		Oct-17-2008